

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DIONICIO PEREZ,

Petitioner,

vs

9:04-CV-327

MICHAEL PERROTT, Superintendent,

Respondent.  
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APPEARANCES:

OF COUNSEL:

DIONICIO PEREZ  
Petitioner, Pro Se  
2004-4416  
Berks County Prison  
1287 County Welfare Road  
Leesport, PA 19533

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Respondent  
Department of Law  
120 Broadway  
New York, NY 10271

STEVEN H. SCHWARTZ, ESQ.  
Asst. Attorney General

HON. DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Petitioner, Dionicio Perez, brought a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By Report-Recommendation dated March 3, 2008, the Honorable Gustave J. DiBianco, United States Magistrate Judge, recommended that the petition be denied and dismissed; and further, that a certificate of appealability be denied. There have been no objections made to the Report-Recommendation.

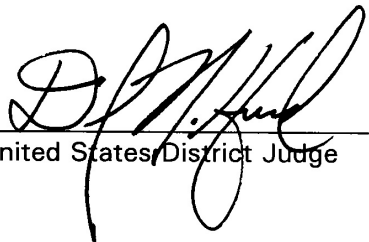
Accordingly, it is

ORDERED that the petition for a writ of habeas corpus is DENIED and  
DISMISSED in all respects; and further, no certificate of appealability will be issued.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated: May 28, 2008  
Utica, New York.

  
United States District Judge